

REMARKS

The amendment outlined hereinabove and the following remarks are submitted as a full and complete response to the non-final Office Action dated January 20, 2010. In view of the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 1, 3-12 and 19 are currently pending and under consideration in this application. Please cancel claim 17 without prejudice or disclaimer. Claim 2 has been previously canceled without prejudice or disclaimer. Claims 13-16 and 18 are withdrawn from consideration. Claim 19 is newly added. Claim 1 is independent. No new matter is added.

Support For Claim Amendments

The amendments set forth herein are supported throughout the originally filed application. For example, Applicants respectfully assert the claim 1 recitation:

wherein the step of electrically connecting the first electrode and the first lead, the film of joining material is contacted with the element mounting part under conditions that a temperature of the element mounting part has been raised to not lower than a melting point of the film of joining material, and that a temperature of the light-emitting element is kept at not higher than melting point of the film of joining material.

finds support at least by the description in section [0066] of the originally filed specification, which has been published as U.S. Publication No. 2007/0278511, having a parallel citation to the originally filed specification of page 28, line 6 – page 29, line 3.

Additionally, claim 5 has been amended to recite:

... wherein in cases where said light-emitting device is mounted on a printed circuit board by a solder joint material, said film of joining material ~~film is formed in advance by a joining material having a melting point higher than a melting point of a joining said solder joint material used in surface mounting said light emitting device.~~

which finds support at least by the description in sections [0020] and [0076] of the originally filed specification, which has been published as U.S. Publication No. 2007/0278511, having

parallel citations to the originally filed specification respectively at page 9, lines 14-27 and page 35, line 22-page 36, line 16.

Response To Drawing Objections & Amendment Figures 6(a) and 7

As noted above, Figures 6(a) and 7 stand objected to as allegedly containing an erroneous reference number. *i.e.*, "105" which is now deleted from these drawings. Marked-up corrected versions of FIG. 6(a) and FIG. 7, attached hereto, are now amended to recite reference number "5", as shown. Applicants respectfully request the approval of all drawing changes.

Response to Claim Objections

Claim 1 and its dependent claims 3-12 stand objected to over alleged informalities in the parenthetical expressions "(element substrate)" and "(joining material film)". Claim 7 stands objected to over alleged informalities regarding the recitation "thickness of light emitting layer" and "said element substrate". Claim 12 stands objected to as allegedly missing an article "a" before the recitation "depth".

Applicants herein amend each of claims 1 and 3-12 consistently with, or in view of, the Examiner's comments and suggestions set forth in the Office Action on page 3. Applicants respectfully request the withdrawal of all claim objections.

Response to Claim Objections Under 35 USC § 112

Claims 3-6 stand rejected under 35 USC § 112, second paragraph, as being allegedly indefinite regarding the claim recitation "in advance". Applicants respectfully traverse that this expression is definite. However, in order to advance the prosecution of this application, the recitation "in advance" has been deleted from each of claims 3-6 rendering this rejection moot.

Claim 5 stands rejected under 35 USC § 112, second paragraph, as allegedly indefinite regarding the claim recitation "higher". Applicants respectfully traverse that this expression is definite. Separately, Applicants respectfully assert that claim 5 has been amended such that this rejection is now moot. Claim 5, as currently amended, recites "said film of joining material is formed by a joining material having a melting point higher than a melting point of said solder joint material" which meets the requirements of 35 USC § 112.

In view of the above, Applicants respectfully request the withdrawal of all rejections under 35 USC § 112.

Response to Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3-9 and 12 stand rejected under 35 USC § 103(a) as over Oshio *et al.* (US 6,274,890 B1; “Oshio”) in view of Hasebe *et al.* (US 2002/0084518 A1; “Hasebe”). Claims 1 and 10-11 stand rejected under 35 USC § 103(a) over Oshio in view of Tsutsui *et al.* (US 2001/352100; “Tsutsui”). Applicants respectfully traverse.

None of the cited documents (*i.e.*, Oshio, Hasebe and Tsutsui) disclose, teach or suggest Applicants' claimed recitation that in a step of electrically connecting a first electrode and a first lead, that:

. . . the film of joining material is contacted with the element mounting part under conditions that a temperature of the element mounting part has been raised to not lower than a melting point of the film of joining material, and that a temperature of the light-emitting element is kept at not higher than melting point of the film of joining material.

(Claim 1).

Further, Applicants' claims achieve a step of connecting a first electrode and a first lead which can be accomplished in a short period of time, thereby reducing degradation of characteristics of a light-emitting element which is affected by heating during the connecting step.

Applicants respectfully assert that none of the cited references (*i.e.*, Oshio, Hasebe or Tsutsui) whether considered separately, or in combination, teach or suggest all claimed elements of any of claims 1 and 3-12. Additionally, at the time the invention was made, one of ordinary skill in the art could not and would not achieve all the features as recited in any of claims 1 and 3-12. In view of the deficiencies of the cited references, no likelihood of success in practicing Applicants' claims exists upon combination of any of the cited references. Thus, no *prima facie* case of obviousness under 35 U.S.C. § 103(a) exists. Applicants respectfully request the withdrawal of all rejections under 35 U.S.C. § 103(a) and the allowance of this application.

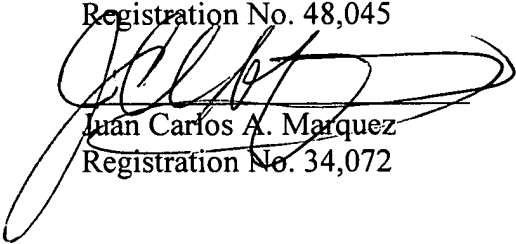
Conclusion

In light of the Remarks, Applicants respectfully request early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and telephone number indicated below.

Respectfully submitted,

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